

MSA Reauthorization: Discussion Draft Survey

Summary of Results

Question 1) Rebuilding Flexibility

Do you believe the councils should have more flexibility in establishing timelines for rebuilding plans?

75%	Yes, I believe the councils should have more flexibility in establishing timelines for stock rebuilding plans;
19%	No, I do not believe more flexibility is necessary, and I think that adding flexibility to the existing rebuilding requirements would be detrimental to the health of Mid-Atlantic fisheries;
6%	I am undecided.

Question 2) Rebuilding Timelines

Section 3 of the draft proposes to require stock rebuilding as quickly as practicable, not to exceed the time the stock would be rebuilt without fishing occurring plus one mean generation.

Please review this section and indicate whether you support these changes to the rebuilding requirements.

31%	Yes, I support the proposed changes as written.
25%	No, I do not support the proposed changes.
25%	I would support the proposed changes with modification (please describe in the space below)
19%	I am undecided

Question 3) Flexibility for Highly Dynamic Fisheries

The draft proposes an exemption to rebuilding requirements which would allow councils to phase-in rebuilding plans for "highly dynamic fisheries," over a 3-year period to lessen economic harm to fishing communities.

Please review this section of the draft and indicate whether you support this proposed change.

43%	I do not support the proposed exemption
21%	I support the proposed exemption as drafted
36%	I would support the exemption if the language was modified as follows:
0%	I am undecided

Question 4) Rebuilding Exemptions

Please indicate the extent to which you agree or disagree with the following exemptions to rebuilding requirements:

This question is measured on a 5 point scale ranging from -2, meaning "strongly disagree", to 2, meaning "strongly agree".

Exemption	Average	
When stock rebuilding is not possible due to the biology of the stock	0.3125	Neutral / Agree
When stock rebuilding is not possible due to environmental conditions	0.375	Neutral / Agree
When stock rebuilding is not possible due to management under international agreements	-0.0625	Neutral / Disagree
When the cause of depletion is outside the jurisdiction of the Council	-0.0625	Neutral / Disagree
When the overfished fishery is part of a mixed stock fishery and cannot be rebuilt without significant economic harm	-0.5	Neutral / Disagree
When rebuilding is hindered by activities outside of the US EEZ hinder rebuilding outside of the US EEZ	-0.125	Neutral / Disagree

When the stock has been affected by unusual events that make rebuilding impossible without significant economic harm	-0.625	Neutral / Disagree
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Question 5) Alternative Rebuilding Strategies

The draft proposes that “A fishery management plan, plan amendment, or proposed regulations may use alternative rebuilding strategies, including harvest control rules and fishing mortality targets.”

Please review the proposed language and select one of the following:

13%	I do not support the proposed language
60%	I support the proposed language
27%	I don't understand what the proposed language means

Question 6) Termination of Rebuilding Plans

The draft would allow the Council to terminate the application of [stock rebuilding requirements] to a fishery if the Council determines that the fishery is not depleted, by the earlier of (A) the end of the 2-year period beginning on the effective date a fishery management plan, plan amendment, or proposed regulation for a fishery under this subsection takes effect; or (B) the completion of the next stock assessment after such determination.”

Do you believe this ability to terminate a rebuilding program should be tied directly to a stock assessment or assessment update?

62%	Yes
13%	No
25%	Other, please describe

Question 7) Emergency Measures

The draft would extend the limit for emergency regulations to 1 year from the date of publication (the limit is currently 180 days), with a maximum of one-year additional extension possible.

Please indicate whether you support this change

31%	I do not support this change
56%	I support this change as it is written in the draft
13%	I would support this change if it was modified as follows:

Question 8) Additional Comments on Section 3

- Section 3 appears to provide the needed flexibility. We will have to watch carefully to see that it is not abused.
- Many provisions, such as the phase-in of rebuilding scenarios require action by the Secretary of Commerce, and it does not state a designee. That means the process would be somewhat tortuous.
- The draft language referenced in Question 5 is vague. Alternative strategies could be fine if they are designed to rebuild the stock, but the language is too vague to support. If the idea is to just fish at F_{msy} and not have a rebuilding F, then it would not be adequate.

Question 9) ACL Exemptions

Please review the ACL exemptions outlined in Section 4 and indicate the extent to which you agree or disagree with the following ACL exemptions:

Exemption	Average	Category
Ecosystem component species;	-0.125	Disagree – Strongly Disagree
A stock for which more than half of a single-year class will complete their life cycle in less than 18 months; and fishing mortality will have little impact on the stock.	0.6875	Neutral – Agree

A stock for which more than half of a single-year class will complete their life cycle in less than 18 months; and fishing mortality will have little impact on the stock.	0.4375	Neutral – Agree
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Question 10) Ecosystem Component Species Definition

The draft defines "ecosystem component species" as:

"a stock of fish that is a non-target, incidentally harvested stock of fish in a fishery, or a nontarget, incidentally harvested stock of fish that a Council or the Secretary has determined— "(A) is not subject to overfishing, approaching a depleted condition or depleted; and "(B) is not likely to become subject to overfishing or depleted in the absence of conservation and management measures."

Please describe any concerns or suggestions you have for improving the proposed definition:

- Determining the stock status of ecosystem component species is usually challenging due to the lack of data (because they're not targeted), so I suspect we won't know if a stock is subject to overfishing or approaching a depleted condition.
- There does not seem to be a consideration for life stage. Is this applicable to adult ecosystem component species only?
- I do not support this draft definition. It would potentially define almost any incidentally harvested fish as an EC species--and then exempt it from ACL management. Councils already have some discretion in what they decide to manage. This definition, when coupled with the ACL exemption for EC species, would weaken the Act.

Question 11) ACL modifications

The draft proposes modifications to the existing Annual Catch Limit (ACL) requirements.

Please indicate the extent to which you agree or disagree with the following changes:

Exemption	Average Rating	Category
A Council may establish an ACL for entire stock complex (as opposed to the current requirement that councils set ACLs for each species in the complex)	Average: -0.133	(Neutral – Disagree)
A Council may set multi-year ACLs for a period of up to three (consecutive) years.	Average: 1.33	(Agree – Strongly Agree)

Question 12) Scientific and Statistical Committee's Role

Section 5 proposes a change which would move the Council's ceiling on setting ABCs from the SSC's recommended ABC to the overfishing limit.

Please indicate whether you support this change.

67%	I do not support the proposed language
20%	I support the proposed language
13%	I would support the proposed change with modification

Question 13) Additional Comments on Section 4

- Section 3 appears to provide the needed flexibility. We will have to watch carefully to see that it is not abused.
- Many provisions, such as the phase-in of rebuilding scenarios require action by the Secretary of Commerce, and it does not state a designee. That means the process would be somewhat tortuous.
- The draft language referenced in Question 5 is vague. Alternative strategies could be fine if they are designed to rebuild the stock, but the language is too vague to support. If the idea is to just fish at Fmsy and not have a rebuilding F, then it would not be adequate.

Question 14) "Overfished" vs. "Depleted"

Section 5 proposes that the term "overfished" be replaced with "depleted" throughout the Act. "Depleted" is defined as: a stock that is "of a size that is below the natural range of fluctuation associated with the production of maximum sustainable yield."

Please indicate whether you support the proposed change and/or the proposed definition:

67%	I support the use of "depleted" instead of "overfished," AND I support the proposed definition of "depleted"
20%	I do not support either the use of "depleted" instead of "overfished" or the definition of "depleted"
13%	I support the change with the following modification to the definition of "depleted"

Question 15) Distinguishing Between Sources of Fishery Depletion

The draft proposes to distinguish between fisheries that are depleted as a result of fishing and fisheries that are depleted due to factors other than fishing.

Please indicate whether you support this change

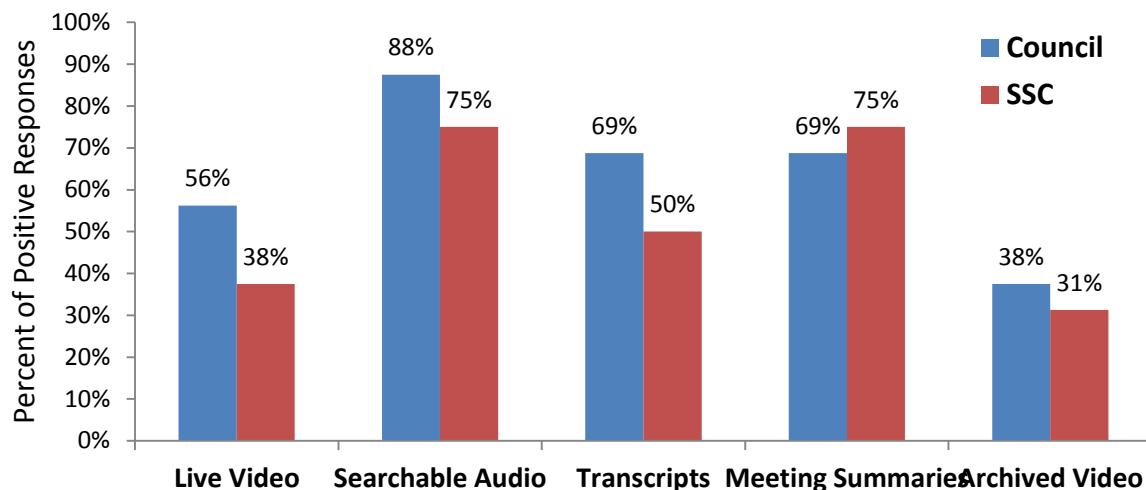
80%	I support the proposed change.
20%	I do not support the proposed change.

Question 16) Additional Comments on Section 5

- The Magnuson act needs to include much stronger authority to address non-fishing activities. We can not succeed in restoring our Nation's fisheries without such authority. This should be the top priority in this reauthorization, especially in light of the major proposals we are seeing for coastal and ocean-based alternative energy production.
- I don't support most of these 'window dressing' modifications.....that are 'for appearances sake'

Questions 17 & 18) Transparency and Public Access to Council & SSC Meetings

What forms of public access and record keeping are necessary to ensure transparency before, during, and after Scientific and Statistical Committee meetings? (Check all that apply)



Question 19) NEPA Compliance

The draft includes a new section entitled "Compliance With the National Environmental Protection Act of 1969." The section states: "Any fishery management plan, amendment, or management measure that is prepared in accordance with applicable provisions of the MSA shall be considered to satisfy NEPA requirements."

Please indicate whether you support the addition of this section:

36%	I do not support the proposed addition
57%	I support the proposed addition
7%	Support the proposed addition with modifications

Question 20) Additional Comments on Section 6

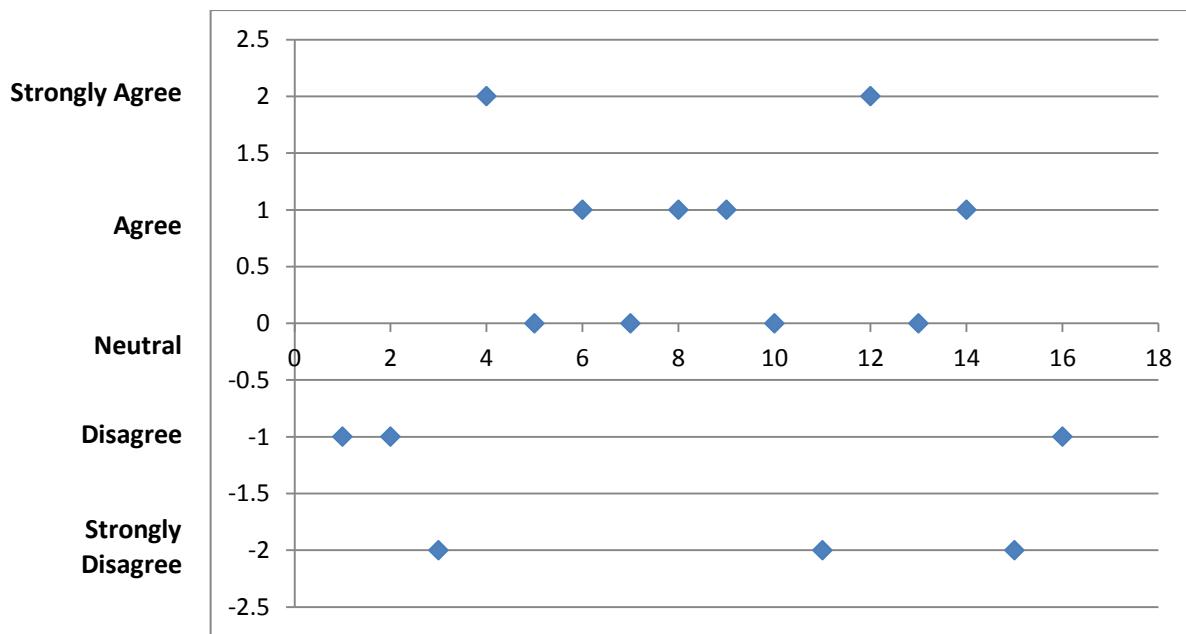
- I think extra burdens would be applied to Council staff if all 5 transparency items were required. There is no reason that transparency should be so extensive that it becomes more important than the meeting to meeting evaluations and analyses performed by staff.
- Searchable audio & copies of presentations posted online would be ideal.

Question 21) Catch Shares Limitations

Section 7 prohibits the New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico Councils from establishing new catch share programs until the program has been approved in a referendum by a majority of eligible permit holders.

Please indicate the extent to which you agree or disagree with this limitation on catch share programs.

Average: -0.0625 (Neutral – Disagree)



Question 22) Additional Comments on Section 7

- catch shares should be an option if the majority of permit holders agree
- Referenda requirements would not improve the Council's decision-making process, and may be inappropriate in cases where fisheries are highly oversubscribed.
- eligible permit holders is not defined and may not be the best universe of constituents.

Question 23) Electronic Monitoring and Data Confidentiality

- Don't see any reason how we could restrict access to any data on what is a public resource, especially if it's collected with taxpayer dollars.

- "The promotion of forfeiture funding for regional-specific data collection for data poor fisheries would be great.
- Data confidentiality is understandable, but confidential data should be available for assessments.
- Electronic monitoring is here to stay, but the costs for the technology mean further limited access."
- This section should be scrapped and rewritten to improve the ability of the Councils, the Agency, and the industry to manage fisheries. Existing data confidentiality provisions prevent fishermen and Councils from making informed decisions (recall our Tilefish allocations that were blinded by this restriction). The Act should encourage the use of EM, so the development of standards for EM would be helpful. Fisheries data should be available for use in spatial planning decisions--the draft prohibition on this would disadvantage US fisheries in these discussions.
- My recollection, from earlier reading the draft, is that these limitations go too far and would have a negative effect on developing new science in support of management
- Any harvest data, if necessary to assess a stock, population or other species assemblage, should be openly available for use and publication in a stock assessment, fishery management plan, amendment or addendum to provide for full and open scientific and public scrutiny.
- Didn't read S 8 but believe that confidentiality of a public trust resource harvest does not absolutely couple with confidentiality.

Question 24) Liaison Voting Rights

Do you support a change that would allow liaisons on the New England and Mid-Atlantic Councils to vote?

Yes	53%
No	20%
I'm not sure	27%

Question 25) Additional Comments on Section 9

Please review Section 9 and provide any additional comments, suggestions, or concerns you have about the proposed modifications described in this section.

- The liaison is required to represent their "home council's" position. Unless the liaison has clear instructions regarding how to vote on an issue from their "home-council" they should be required to abstain from the vote.
- I think the chair of the Council should vote on all issues.
- Following our Climate Change Governance workshop, we should consider developing other adaptive management/representation tools to ensure adequate geographic representation. The Act could give the Secretary the authority to vest an individual with voting rights on a specific FMP if their state had a significant interest in a fishery, for example. New Jersey and Virginia have large interests in the Sea Scallop FMP, and Rhode Island has a substantial interest in our SMB plan. These interests could be addressed through such a provision.
- Joint meetings of full councils may be prescribed on issues of joint plans or of actions of highly significant actions by one council or the other.

Question 26) Ensuring Consistent Management

Due to a technical problem with the survey, the responses to this question were not recorded

Question 27) Additional Comments on Section 13

Please review Section 13 and provide any additional comments, suggestions, or concerns you have about the proposed modifications described in this section.

- Changes to ESA, in general, and delisting criteria, in particular, are needed to provide more flexibility in Magnuson fisheries management. The delisting criteria in the recovery plans for some species are largely unrealistic and unattainable.
- Of course I agree that we should have input with respect to any regulations intended to address ESA mandates. But the final shape of any such regulations should be crafted by persons with real expertise in the needs of the

listed animal, rather than by fishermen on the Council are likely more concerned with the viability of their fishery than with the ultimate fate of the species in question. I mean, we're talking about species that are not only depleted, but depleted to the point that such species' survival is in doubt. So measures are, in my view, best crafted by those who aren't influenced by concerns that such regulations might have a significant negative impact on their incomes.

- I notice one can only choose 1 of the 2 choices in q. 26.
- The "consistency" suggestions in Question 26 are not that simple, and need additional work as the reauthorization process goes forward. Councils should be more effectively integrated on ESA actions in the Bi-Op process, to provide input in the development of reasonable and prudent measures.
- Resources are scarce, NEPA and ESA requirements should be better coordinated with MSA requirements and should not result in an impaired public process
- Again, the above Acts may be the best control, but not in every case, where other Acts could override and provide the best outcome.

Question 28) Recreational Fisheries

How do you think the Act could be amended to ensure effective management of recreational fisheries?

- Improved harvest data collection is a top need for effective fisheries management through fully funding MRIP (including increased intercepts) and other data collection programs. Not sure if adding a requirement to do this (unfunded mandate?) to the Act is the way to go.
- I may be a minority, but I think we are managing rec fisheries just fine. Just as long as we continue to manage for abundance and opportunity the 2006 reauthorization has seemed to create a situation in which we are doing just that). Otherwise, I think it would be good to have a mandatory revisiting of SF, scup and BSB allocations every 5 years.
- We must recognize the limitations of the MRIP process and be allowed to be flexible when it is clear that outliers are effecting the MRIP data.
- The Magnuson act requires a dedicated section on recreational fishing requirements to ensure effective management of recreational fisheries.
- I think the partially-approved Omnibus on accountability measures needs to be resubmitted, even if there are other methods supplied that would dampen the instability of means (landings estimates). The recreational data are not census data and need to be treated differently than census data, for management purposes and for stock assessments.
- Our Council has worked hard over many years to successfully manage recreational fisheries. The ACL/AM model, as implemented following the last reauthorization, may not be the best model for successful recreational management. This can probably be addressed through the NS1 guidelines, but should also be considered in reauthorization. Councils should have more flexibility in developing AMs to ensure that they do not penalize improving fisheries (i.e. reacting inappropriately to increasing catch that is due to an increasing stock) and to ensure that they are appropriate relative to the statistical characteristics of the catch data. Some Councils do not have recreational representation commensurate with the scale of their recreational fisheries, which should be discussed relative to the appointment process and requirements in the Act.
- Accountability in this sector needs to be improved...there is no reason why a federal saltwater license should not be required, with reporting requirements

Question 29) Allocation Review

Do you think the councils should be required to review allocations periodically?

Yes	75%
No	19%
I'm not sure	6%

Question 30) National Standards

Do you have suggestions for modifying the National Standards?

- They are fine as is.
- Clarify that all are equal.
- A national standard should be added requiring all management plans to sunset every ten years unless they are reviewed and reauthorized
- It would be advantageous for a national standard that more specifically addressed allocation among states. National Standard 4 promotes fairness in allocation among states. National Standard 8 alludes to 'lost' allocations by communities, yet no National Standard provides guidance on when an allocation system shall be reviewed or what might be the important bases for consideration of reallocation.
- Habitat has been suggested as a possible NS--this would benefit from discussion by the Council.
- I not not have a recommendation to redraft the National Standards but I do think the OY definition should be changed so that the guidance is closer to that prior to 2006...the current situation is leading to chronic underfishing

Question 31) EAFM

What, if any, impact do you think this draft would have on ecosystem approaches to fisheries management?

- Possibly simplify the process because of the flexibility.
- Defining depleted fisheries that acknowledges the fact that things other than fishing causes low stock sizes is a good start. Maybe this could shift management to addressing factors such as habitat, forage fish and overabundant predators as ways to rebuild depleted stocks.
- I don't think it would have any... The only place it's mentioned is in relation to allowing overfishing because stock status may have been the result of something other than fishing.
- It may establish guidelines for the inclusion or exclusion of ecosystem component species into the ecosystem-based stock assessments of the future.
- None--the ecosystem references in the draft are vague and meaningless.
- Rebuilding flexibility support EAFM
- As proposed it has the potential to have tremendous impacts
- A slight incremental avenue for advancing existing approaches and creating new ones.

Question 32) Seafood Certification

Do you think the reauthorization bill should establish a Sustainable Seafood Certification for fisheries managed under the MSA?

Yes	81%
No	6%
I'm not sure	13%

Question 33) Forage species

When setting quotas on forage species, do you think the Council should be required to consider the ecological role of those species?

Yes	94%
I'm not sure	6%